

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

**FIFTY-THIRD LEGISLATIVE DAY**  
**THURSDAY, MARCH 5, 2009**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Pasley-Stuart, Roberts. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Breana Rojas, Page.

### Approval of Journal

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-second Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

March 4, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1079](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1079](#) and, when so signed, ordered it returned to the Senate.

March 4, 2009

Mr. Speaker:

I transmit herewith [S 1084](#), as amended, which has passed the Senate.

WOOD, Secretary

[S 1084](#), as amended, was filed for first reading.

March 4, 2009

Mr. Speaker:

I return herewith [HCR 16](#) which has passed the Senate.  
WOOD, Secretary

[HCR 16](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 4, 2009

Mr. Speaker:

I return herewith [H 64](#), as amended in the Senate, as amended in the Senate, which has passed the Senate.

WOOD, Secretary

[H 64](#), as amended in the Senate, as amended in the Senate, was ordered held at the Desk.

Mr. Collins asked unanimous consent that the House concur in the Senate amendments to [H 64](#), as amended in the Senate, as amended in the Senate. There being no objection, it was so ordered.

[H 64](#), as amended in the Senate, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

### Report of Standing Committees

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 4](#), [HCR 28](#), [H 210](#), [H 211](#), and [H 212](#).

CLARK, Chairman

[HJM 4](#) was referred to the State Affairs Committee.

[HCR 28](#) was referred to the Environment, Energy, and Technology Committee.

[H 210](#) was referred to the Resources and Conservation Committee.

[H 211](#) and [H 212](#) were referred to the Education Committee.

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [HCR 13](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [HCR 13](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

March 4, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 46](#) and report it back with amendments attached to be placed on General Orders for consideration.

BLOCK, Chairman

[H 46](#) was placed on General Orders for consideration.

March 4, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1073](#) and recommend that it do pass.

BLOCK, Chairman

[S 1073](#) was filed for second reading.

March 4, 2009

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [SCR 103](#) and recommend that it do pass.

RAYBOULD, Chairman

[SCR 103](#) was filed for second reading.

March 4, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 147](#) and [H 196](#) and recommend that they do pass.

WOOD, Chairman

[H 147](#) and [H 196](#) were filed for second reading.

March 4, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 124](#) and recommend that it do pass.

TRAIL, Chairman

[H 124](#) was filed for second reading.

March 5, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [HJM 3](#) and recommend that it do pass.

LOERTSCHER, Chairman

[HJM 3](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 29 BY STATE AFFAIRS COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE INDUSTRIAL COMMISSION RELATING TO MISCELLANEOUS PROVISIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Industrial Commission relating to Miscellaneous Provisions is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 17.02.08, rules governing Miscellaneous Provisions, rules of the Industrial Commission, adopted as a pending rule under Docket Number 17-0208-0802, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 29](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 213 BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO VESSELS; AMENDING CHAPTER 70, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-7008A, IDAHO CODE, TO PROVIDE FOR ADDITIONAL FEES FOR SPECIFIED VESSELS, TO PROVIDE FOR CERTAIN STICKERS, TO PROVIDE FOR COLLECTION AND DEPOSIT OF FEES IN THE INVASIVE SPECIES FUND, TO DEFINE A TERM AND TO PROVIDE EXCEPTIONS; AND DECLARING AN EMERGENCY.

#### **HOUSE BILL NO. 214 BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO EARLY TERMINATION OF PREGNANCY; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE A PUBLIC RECORDS EXCEPTION; AMENDING CHAPTER 2, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-260A, IDAHO CODE, TO PROVIDE FOR CERTIFICATES OF EARLY FETAL DEATH.

#### **HOUSE BILL NO. 215 BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO THE TELECOMMUNICATIONS ACT OF 1988; AMENDING SECTION 62-610, IDAHO CODE, TO REVISE CERTAIN ELIGIBILITY REQUIREMENTS, TO PROVIDE A CODE REFERENCE, TO PROVIDE DISTRIBUTION FROM THE UNIVERSAL SERVICE FUND TO INDIVIDUAL ELIGIBLE TELECOMMUNICATIONS CARRIERS THAT MEET CERTAIN RESIDUAL REVENUE REQUIREMENTS, TO PROVIDE PURPOSES FOR DISTRIBUTIONS FROM THE FUND, TO PROVIDE DISTRIBUTIONS FROM THE FUND TO AN ELIGIBLE TELECOMMUNICATIONS CARRIER THAT MEETS CERTAIN REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

#### **HOUSE BILL NO. 216 BY STATE AFFAIRS COMMITTEE**

##### **AN ACT**

RELATING TO PHARMACISTS AND PHARMACIES; AMENDING SECTION 37-3201, IDAHO CODE, TO

PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1705, IDAHO CODE, TO PROVIDE A DEFINITION OF "CONSCIENCE"; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1718A, IDAHO CODE, TO PROVIDE FREEDOM OF CONSCIENCE FOR PHARMACISTS, PHARMACIES AND INSTITUTIONS, TO PROVIDE IMMUNITY FROM LIABILITY, TO PROHIBIT DISCRIMINATION AND TO PROVIDE EXCEPTIONS; AMENDING SECTIONS 54-4702 AND 54-5110, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 217**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO MOTOR VEHICLES, DEALERS AND SALESMEN LICENSING; AMENDING SECTION 49-1614, IDAHO CODE, TO REVISE TERMINOLOGY, TO DELETE PROVISIONS RELATING TO THE TERMINATION, NONRENEWAL OR CANCELLATION OF CERTAIN FRANCHISES, TO DELETE PROVISIONS RELATING TO FAIR AND REASONABLE COMPENSATION, TO DELETE PROVISIONS RELATING TO CERTAIN RENTAL PAYMENTS, TO PROVIDE THAT A MANUFACTURER SHALL NOT CANCEL, TERMINATE OR FAIL TO RENEW CERTAIN FRANCHISE AGREEMENTS UNLESS CERTAIN REQUIREMENTS ARE SATISFIED, TO PROVIDE PROVISIONS RELATING TO THE TERMINATION, CANCELLATION OR NONRENEWAL OF CERTAIN FRANCHISE AGREEMENTS, TO PROVIDE PROVISIONS RELATING TO THE REPURCHASE OF CERTAIN ITEMS, TO PROVIDE FOR CERTAIN COMPENSATION, TO PROVIDE PROVISIONS RELATING TO REPURCHASE WITHIN A CERTAIN TIME PERIOD, TO PROVIDE PROVISIONS RELATING TO A SECURITY INTEREST, TO PROVIDE EXCEPTIONS FOR THE APPLICATION OF LAW, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CERTAIN REIMBURSEMENTS, TO PROVIDE FOR APPLICATION OF LAW AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 218**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO DELETE PROVISIONS RELATING TO CERTAIN INTERNATIONAL BUILDING CODE SECTIONS; AMENDING SECTION 39-4116, IDAHO CODE, TO EXEMPT CERTAIN BUILDINGS FROM CERTAIN PROVISIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE.

**HOUSE BILL NO. 219**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE HIGHWAY DISTRIBUTION ACCOUNT AND THE IDAHO STATE POLICE; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY DISTRIBUTION ACCOUNT, TO PROVIDE EFFECTIVE DATES AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING LEGISLATIVE INTENT.

**HOUSE BILL NO. 220**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE DIVISION OF BUILDING SAFETY; AMENDING SECTION 39-4106, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE MEMBERSHIP OF THE IDAHO BUILDING CODE BOARD; AMENDING SECTION 39-4109, IDAHO CODE, TO ADOPT 2006 EDITIONS OF CERTAIN CODES, TO PROVIDE FOR ADOPTION OF SUBSEQUENT EDITIONS, TO MAKE A TECHNICAL CORRECTION, TO PROHIBIT CERTAIN AMENDMENTS, TO PROVIDE FOR AN EFFECTIVE DATE FOLLOWING CODE ADOPTION AND TO PROVIDE FOR HEARINGS; AMENDING SECTION 39-4116, IDAHO CODE, TO PROVIDE FOR ADOPTION OF CERTAIN CODES, TO PROVIDE PROVISIONS RELATING TO THE ADOPTION OF CERTAIN CODES BY LOCAL JURISDICTIONS AND TO PROVIDE FOR HEARINGS AND NOTICE; AND DECLARING AN EMERGENCY.

[H 213](#), [H 214](#), [H 215](#), [H 216](#), [H 217](#), [H 218](#), [H 219](#), and [H 220](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1084](#), as amended, by Education Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[H 201](#), by State Affairs Committee, was read the second time by title and filed for third reading.

[SCR 105](#), [SCR 104](#), and [SCR 106](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[H 107](#), [H 179](#), [H 184](#), and [H 168](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[H 169](#), [H 170](#), [H 188](#), [H 189](#), [H 190](#), and [H 191](#), by Business Committee, were read the second time by title and filed for third reading.

[H 43](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

[S 1075](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

**Consideration of General Orders**

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

### Report of the Committee of the Whole House

March 5, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 146](#), [H 145](#), [H 157](#), [H 155](#), [H 160](#), and [H 178](#) and report them back without recommendation, amended as follows:

### HOUSE AMENDMENT TO H.B. NO. 146

#### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 25, following "policies," insert: "Billing practices shall be transparent and understandable," and delete lines 29 through 32.

### HOUSE AMENDMENT TO H.B. NO. 145

#### AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 29 and insert:

"(6) "Person subject to this chapter" means all ~~adults~~ persons, except adults who may".

### HOUSE AMENDMENT TO H.B. NO. 157

#### AMENDMENTS TO SECTION 1

On page 1 of the printed bill, in line 19, following "Coordinate with" insert: "the Idaho digital learning academy as provided for in chapter 55, title 33, Idaho Code,"; in line 22, following "Coordinate with" insert: "the Idaho digital learning academy,"; and in line 32, following "and higher education," insert: "the Idaho digital learning academy,".

#### AMENDMENT TO SECTION 2

On page 3, in line 33, following "higher education" insert: "and the Idaho digital learning academy as provided for in chapter 55, title 33, Idaho Code,".

#### CORRECTION TO TITLE

On page 1, in line 7, following "IDAHO CODE," insert: "TO REVISE AN IMPLEMENTATION PLAN THAT THE DEPARTMENT OF ADMINISTRATION SHALL FOLLOW,".

### HOUSE AMENDMENT TO H.B. NO. 155

#### AMENDMENT TO SECTION 2

On page 1 of the printed bill, in line 28, delete "a majority" and insert: "two-thirds (2/3)".

### HOUSE AMENDMENT TO H.B. NO. 160

#### AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 24, following "Idaho." insert: "Provided however, that any such election conducted

pursuant to this section shall be held on election day in the month of May or November as provided for in section 34-106(1), Idaho Code,".

#### CORRECTION TO TITLE

On page 1, in line 6, following "INDEBTEDNESS" insert: "AND TO PROVIDE CERTAIN DAYS FOR AN ELECTION".

### HOUSE AMENDMENT TO H.B. NO. 178

#### AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 25 through 29 and insert: "(13) "Residence" means the offender's present places of abode.".

BEDKE, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 146](#), as amended, [H 145](#), as amended, [H 157](#), as amended, [H 155](#), as amended, [H 160](#), as amended, and [H 178](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

### Third Reading of Bills and Joint Resolutions

[H 199](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 199](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Marriott, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer(Kupser), Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 58.

NAYS – Barrett, Bell, Eskridge, Harwood, Loertscher, Mathews, Patrick, Stevenson, Wood(35). Total – 9.

Absent and excused – Labrador, Pasley-Stuart, Roberts. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 199](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[SP 101](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith(30) to open debate.

The question being, "Shall [SP 101](#) be adopted?"

Whereupon the Speaker declared [SP 101](#) adopted by voice vote and ordered the proclamation returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, March 6, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:07 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk